

GENERAL DIVISION
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**LOCAL RULES
OF THE
COURT OF COMMON PLEAS
LAKE COUNTY, OHIO
GENERAL DIVISION**

It is ordered that the following Rules are hereby adopted to govern practice and procedures in the General Division, Court of Common Pleas, Lake County, Ohio, until otherwise provided, pursuant to Article IV, Section (5) of the Ohio Constitution, to Rules 16 and 83 of the Ohio Rules of Civil Procedure and to the Rules of Superintendence promulgated by the Supreme Court of Ohio.

It is further ordered that any rule changes with their effective dates shall forthwith be embodied in the published rules of Court, posted in the office of the Clerk of Courts for six (6) months, and copies thereof furnished counsel on request to update the Rules already outstanding.

Counsel shall maintain and reasonably update their Rules of Court. Reasonable accommodation, and with or without sanctions at Court discretion, will be considered to enable the disposition of all legal matters in the interests of justice and bearing in mind the announced purposes of the Ohio Rules of Civil Procedure.

I. THE JUDGES AND THE OPERATION OF THE COURT

- A. APPLICABILITY.** These rules shall pertain to the General Division of the Court of Common Pleas, including civil and criminal cases.
- B. JUDGES.** The presiding judge shall have the general superintendence of the business of the Court and shall classify and distribute it among the judges, except that cases shall be assigned by lot where there is more than one (1) judge in a division. Every person appointed by the Court shall be amenable to the direction and discipline of the Court administrator, if any, and under the presiding judge and the particular administrative judge of each division of the Court, excepting bailiffs and Court constables assigned to an individual judge.
 - 1. **ASSIGNMENT OF CASES.** Cases shall be assigned by lot.
 - 2. **MEETINGS OF THE JUDGES.** The judges of the General Division shall meet according to the Rules of Superintendence and the standing resolution of the Court governing meetings, or at the call of the administrative judge to handle problems arising within that division.
- C. TERMS OF COURT; HOURS; SECURITY**
 - 1. **TERMS.** The Court shall be in continuous sessions for the transactions of judicial business, but each calendar year shall be divided into four (4) terms to be designated as January, April, July and October terms of Court. The day of the commencement of each term of Court shall be fixed by the Judges.
 - 2. **HOURS.** The Office of the Clerk of Courts shall be open daily Monday through Friday from 8:00 A.M. to 4:30 P.M.
 - (a) **EXCEPTIONS.** The Court shall be in session at such other times and hours as the Administrative Judge or any Judge thereof shall prescribe to meet special situations or conditions.
 - 3. **MASS ARRAIGNMENTS.** Each Court shall determine the times at which it shall conduct arraignments. When mass arraignments are to be conducted, and in recognition of the need for pre-arraignment consultation, all persons attending such mass arraignments shall arrive one half

hour before the scheduled commencement of such mass arraignments so as not to delay such commencement. This applies to defense and State's attorneys, defendants, Sheriffs deputies, and others participating in such mass arraignments.

4. SECURITY. The judges of the General Division adopt the Rules on Courthouse Security as promulgated by the Lake County Common Pleas Judges and filed with the Lake County Clerk of Court on May 17, 1995, and filed with the Ohio Supreme Court on June 28, 1995. In addition, the following rules shall be applicable to all individuals conducting business before the judges of the General Division.
 - (a) No firearms or weapons are permitted within the courtroom, except as carried in accordance with the above described rules.
 - (b) The Court reserves the right to search individuals and packages before entering the courtroom.
 - (c) The Court reserves the right to expel any person from the courtroom whose conduct disrupts the proceedings before the Court or poses a threat to the security of the Court.

D. ASSIGNMENT OF CASES FOR HEARINGS

TRIAL DATES. Cases assigned for trial for a specific date may be tried before or after that date.

2. CONTINUANCES. No case assigned for trial may be continued except on written motion, subject to approval of court.
3. NOTICE. The Court will routinely advise the parties of the trial and other hearing dates, but it shall be the responsibility of the parties and their attorneys to keep themselves apprised of all Court dates.

E. PRETRIAL, STATUS CALLS, AND CASE MANAGEMENT CONFERENCES.

The Court through the Assignment Commissioner may schedule one or more case management conferences within four (4) months of the filing of the Complaint. The conferences may be before the Court, before a Referee or Magistrate appointed by the Court, or by telephone conference, as ordered by the Court. The parties shall be prepared to discuss all aspects of the case, including settlement. The conferences may include referral to arbitration as appropriate, and the establishment of a binding schedule for completion of discovery.

2. The Court through the Assignment Commissioner may schedule pretrial conferences before the Court, between counsel for the parties and the parties in the absence of the Court, or before a Referee appointed by the Court. The Court may also from time to time schedule one or more Status Calls, at which time the Court may inquire of counsel as to the extent of their readiness for trial and reset or modify limits to on the duration of discovery and other pretrial procedures.
3. Following a Case Management Conference, Status Call or the Pretrial Conference, the Court may make findings and orders as to matters established, admitted, or determined with reference to matters involved in the prospective trial, such as stipulations as to damages, acceptable methods of proof, preliminary rulings on any matter of disputed procedure, amendments of pleadings, stipulations affecting trial procedures, and the like. Such findings or orders shall control the subsequent course of the action.
4. At the Pretrial Conference, unless otherwise notified, counsel and parties must be present, except that parties not within the jurisdiction of the Court may be excused if the party is available by telephone. In the event an

insurance company handles a party's defense, a representative of the insurer having sufficient authority to settle the case must attend the pretrial.

5. The primary purpose of the Pretrial Conference shall be to achieve an amicable settlement of controversy and suit. If the Court concludes that the prospect of settlement does not warrant further Court supervised negotiations, then the Court shall act on matters which may tend to shorten the time and reduce the expense of trial. After any pretrial conference, counsel may engage in further discovery proceedings, provided they do not result in delay of trial. In the event counsel seeks discovery proceedings that would cause a delay of trial, a motion must be made to the Court in writing, and the right to such discovery shall be subject to the Court's discretion.
6. Any judge presiding in any Case Management Conference, Status Call, or at the Pretrial Conference or Trial shall have the authority:
 - (a) To dismiss an action for want of prosecution on motion of defendant, or upon the Court's own motion, upon failure of plaintiff and/or his or her counsel to appear in person at any Case Management Conference, Status Call, Pretrial Conference, or Trial;
 - (b) To order the plaintiff to proceed with the case and to decide and determine all matters ex parte upon failure of the defendant to appear in person or by counsel at any Case Management Conference, Status Call, Pretrial Conference or Trial as required by this Rule; and
 - (c) To make such other order as the Court may deem appropriate under all the circumstances.

II. CLERK OF COURTS

A. CLERK'S CUSTODY OF FILES

1. The Clerk of this Court shall not permit original files of his office, pertaining to cases entered upon the Appearance Docket, to be taken from his or her office and custody, unless the same are to be delivered to a Judge of said Court, or unless an entry authorizing the same is made by the Court and entered upon the Journal, or unless such file is receipted for by a party and their attorney for a short term removal to the Lake County Law Library in the Court House and for return within a specified time, not exceeding one (1) hour.
2. The Court has general custody of and authority over its own records and files. No deposition or other exhibit in a pending case shall be removed from the file except by the Court or order of the Court. Parties to a cause of action and their attorneys shall have access to and the right to inspect at all times records and papers in said cause. No person except parties or their attorneys shall be permitted to examine the complaint filed in any case, until after service of summons is perfected.
3. CUSTODY OF FILE WHEN NOTICE OF APPEAL FILED. When a notice of appeal has been filed in a particular case, the entire file becomes subject to the exclusive direction and control of the Court of Appeals. With a filing of the notice, any existing authority to allow removal of the transcript of the evidence from the Clerk of Court's office is automatically superseded by the authority of the Court of Appeals. Permission for removal of the transcript may be granted, upon application to the Court of

Appeals, and on a form provided and approved by the judges of the Court of Appeals. Any removal permitted shall be conditioned upon the return of the transcript within fourteen (14) days from the date of removal or fourteen (14) days before the date set for hearing of argument, whichever is earlier. Failure to comply with this rule may result in the issuance of a citation for contempt of court.

4. **CUSTODY OF VIDEOTAPES.**

(a) When videotapes have been filed in a case, they may be removed from the case file only with permission of a judge. The videotape may be taken to a court room for viewing, after scheduling an appointment with that court. The videotape may not be removed from the courthouse.

(b) (b) After one year from the date of termination of a case and the exhaustion of any appeals, the clerk of courts may petition the trial court for the removal and destruction of any videotapes remaining in a case file. The trial court shall notify the counsel of record who submitted the videotape of the intent to remove and destroy such videotape. If no objection is made within fourteen (14) days, the court may order the clerk of courts to remove and destroy the videotape after including a notation in the case file.

B. SECURITY FOR COSTS

1. **AFFIDAVIT OF POVERTY.** An affidavit of poverty may be filed with the Clerk of Court in lieu of a deposit of security for any pleading seeking affirmative relief.
2. **DEPOSIT FEE SCHEDULE.** The Court shall determine a Deposit Fee Schedule and shall post such schedule in the Clerk of Court's Office. When the Clerk deems a deposit insufficient, he shall demand additional sums to be deposited. If a party fails to deposit on demand, the Court shall in its discretion sua sponte dismiss the case.
3. **MULTIPLE PARTIES.** In cases with multiple parties, the Clerk may require the party requesting service to advance an amount estimated by the Clerk to be sufficient to cover the costs thereof.
4. **TRANSFERRED CASES.** In matters of transfer due to limited jurisdiction of the original proceedings or due to change of forum, it shall be the obligation of the plaintiff to deposit sufficient funds to satisfy the initial deposit requirement of the Clerk, who shall follow a uniform and nondiscriminatory policy in that regard. The same rule as to required deposits shall apply to a defendant who files a cross or counterclaim in a Municipal Court case which exceeds the monetary jurisdiction of that Court, thus causing the action to be transferred to the Court of Common Pleas for disposition, and shall also apply to a plaintiff who causes a case to be transferred to the Court of Common Pleas because of original improper venue.
5. **SECURITY FOR REOPENING CASES.** A party not filing an Affidavit of Poverty in an action shall be required to deposit a security for costs, in an amount as determined by the judges of the General Division and posted in the Clerk's Office, for any motion to reopen a case.
6. **REFUNDS.** All deposits for costs, unless otherwise ordered by the Court, shall be applied by the Clerk to the payment of costs and shall not be refunded unless costs are awarded against and paid by another party. Judgment Entries shall provide for the apportionment of costs or the continuation of determination thereof.

7. RETURN OF BOND IN CRIMINAL CASES. If a defendant has posted a bond in a criminal case, prior to releasing such bond, the Clerk of Courts shall first determine whether the defendant has paid the court costs. Unless the defendant is indigent, if the defendant has not paid the court costs, then the Clerk of Courts shall first deduct the amount of court costs which is due from the amount of the bond and apply the same to the court costs before releasing the remainder of the bond to the defendant.
8. ATTORNEY AS SURETY. No practicing attorney shall be received as surety on any bond or recognizance in any action or proceeding, civil or criminal.
9. RELEASE OF EXISTING DEPOSITS TOWARDS COSTS. If no activity occurs in a case, the Court may on its own motion dismiss the case in accordance with Ohio rules and law. Upon dismissal, the Court may direct the Clerk of Courts to determine the outstanding costs in the action and apply any monies on deposit as appropriate.

C. FILING OF DOCUMENTS

1. CASE DESIGNATION FORMS. The initial complaint in a case shall be accompanied by a case designation sheet, setting forth the designation of the case as one of the following:
Administrative Appeal (Specify Revised Code Section: _____) Criminal
Contract or Quasi Contract Declaratory Judgment
Foreclosure
Foreign Judgment Personal Injury
Product Liability Professional Tort
Provisional Remedies (Replevin, Attachment or Garnishment) Workers Compensation
Other Tort
Other Civil
The designation “money only” may not be used if one of the above specific categories is applicable. Further, the caption shall note any statutory provision that is unique to the particular cause and controls the time within which the case is to proceed, once filed.
Ex: Miscellaneous — Contest of Election (O.R.C. Section 3515.10— Hearing Within 30 Days).
2. COMPLEX LITIGATION Cases shall not be classified by the parties upon filing as “complex litigation.” However, counsel shall, within sixty (60) days of the filing of the complaint or any third party complaint, file a separate “Suggestion of Complex Litigation” so as to bring to the Court’s attention in a timely fashion the potentially complex nature of the litigation. Such suggestion does not, without Court order, designate the case as complex litigation as defined in the Rules of Superintendence for the Courts of Common Pleas.
3. REFILED CASES. Upon the refiling of a case previously dismissed under Civ. R. 41, the plaintiff shall indicate that the case is a refiling on the cover sheet of the new complaint by including the word, “REFILING” in capital letters directly beneath the word “COMPLAINT.” Directly underneath the word, “REFILING,” the new complaint shall identify the case number of the dismissed action, clearly distinguishing same from the case number of

the refiled version. The refiled case shall be assigned to the docket of the same judge to whom the previously dismissed case was assigned.

- D. **RETURN OF EVIDENCE.** Upon settlement or exhaustion of all rights of appeal, counsel shall provide the Court with a draft judgment entry instructing the Clerk of Courts to return to respective counsel any video tape exhibits, deposition transcripts, and non- documentary exhibits. The draft journal entry shall include the proper case name and number, and shall sufficiently identify the items to be returned, either by caption or exhibit number, as well as by date of filing of same, if applicable.
- E. **SERVICE BY PUBLICATION.** The Clerk of Courts no longer performs service by publication. It shall be the responsibility of the person filing the complaint to arrange for publication with the newspaper. Upon completion of service by publication, proof of same shall be submitted to the Clerk of Courts for filing.

III. PLEADINGS AND MOTIONS

A. **FORMAT.**

1. All pleadings and motions shall be legibly typewritten or printed on paper approximately 8 1/2" x 11", bound or stapled at the top or left upper corner and filed in accordance with the provisions and exceptions set forth in Civil Rule 5(D). All pleadings, motions and documents shall be formatted with 1" margins on all sides and 1.5 line spacing except footnotes and quotations which may be single spaced. The body or text of any document shall not exceed ten (10) pages in length without leave of court. Copies, if offered as the original, will, sua sponte, be ordered stricken from the files. Pursuant to LOC. R. III(D)(2.1), pleadings, motions and documents shall not have attached exhibits or appendages which are not absolutely necessary. Extraneous material will be stricken from the file.
2. Proof of service of interrogatories, requests for documents, notice of depositions, requests for admissions, and any responses thereto, shall be filed in lieu of such original papers.
3. The caption in every complaint shall state the name and address, if known or reasonably ascertainable, of each party, or shall state that the address is unknown. Subsequent pleadings and motions shall state the case number, the name of the judge to whom the case is assigned, and the name of the first party plaintiff and first party defendant. Every pleading, motion or brief or other paper filed in a cause shall be identified by title, and shall bear clear identification of each person on whose behalf the document is filed and shall bear the name (written, typewritten, or printed) of the individual attorney, if any, who prepared such document, together with his or her attorney registration number, the name of his or her firm, if any, the office address and telephone number of counsel filing the same, or, if there is no counsel, then of the party filing the same. This latter requirement shall also be applicable to the names of Notaries Public. Counsel shall be responsible to register as counsel of record, with proof of service indicating notice to all other attorneys.
4. Pleadings and motions may be amended as provided in Civil Rule 15, but no pleading or motion shall be amended by interlineation or obliteration except upon leave of Court first obtained. Upon the filing of an amended pleading or motion the original or any prior amendment thereof shall not be withdrawn from the files except upon leave of Court.
5. Any pleading, motion, or leave filed not in compliance with this section may be stricken from the files on the Court's own motion.

B. **SERVICE.** See Civil Rules 4 through 5.

- C. **EXTENSIONS.** Parties may obtain an extension of time, not to exceed thirty (30) days in which to answer, plead, or otherwise move, when no such prior extension has been granted, by filing with the Clerk a written stipulation approved by all counsel and the Court providing for such an extension. Such stipulation shall affirmatively state that no prior extension has been granted and shall be subject to the Court's

approval. Additional extensions may be requested in accordance with the pre—trial orders issued by the respective Courts, if any.

D. MOTIONS AND BRIEFS

1. **BRIEFS IN SUPPORT.** The moving party shall serve and file with the motion a brief written statement of reasons in support of the motion and refer to any citations of authority relied upon. If the motion requires consideration of facts not appearing of record, the movant shall also serve and file copies of affidavits, photographs or documentary evidence, to the extent practicable, in support of the motion.
2. **AUTHORITY.** All pleadings and briefs containing references to regulations, municipal ordinances, and/or foreign or unpublished case law, shall have attached thereto a copy of same.
- 2.1. **ATTACHMENTS AND EXHIBITS.** Attachments and exhibits may be appended where they are absolutely necessary to support the motion or brief. Attachments and exhibits which merely explain or enhance the parties' position shall not be attached but may be forwarded to the Law Clerk for the appropriate judge. The Court may on its own motion strike from the files any documents or material which is not part of the pleadings. The items which may be so stricken include, but are not limited to, the following:
 - (a) Copies of reported cases.
 - (b) Copies of statutes, unless not published anywhere.
 - (c) News clippings.
 - (d) Photographs.
 - (e) Law review articles and similar, non-authoritative publications.
 - (f) Items of evidence more appropriately presented at trial or hearing.
 - (g) Depositions, or portions thereof, which are of greater length than is required to illustrate the pertinent point.
 - (h) Any other frivolous or non-essential material.
3. **BRIEFS IN OPPOSITION.** Each party opposing the Motion shall serve and file, within fourteen (14) days or advanced rule day if applicable, a brief written statement of reasons in opposition to the Motion which includes proper citations of the authorities on which counsel relies. If the Motion requires the consideration of facts not appearing of record, counsel shall also serve and file copies of all affidavits, depositions, photographs or documentary evidence which counsel desires to submit in opposition to the Motion.
4. **REPLY BRIEFS.** Reply or additional briefs upon motions and submissions may be served and filed within five (5) days after the filing of a Brief in Opposition.
5. **SPURIOUS MOTIONS.** The presentation to the Court of unnecessary motions, and the unwarranted opposition of motions which unduly delay the course of an action through the Courts, or unduly burden a Court, may subject an offender to appropriate sanctions as authorized by law.
6. **RULE DAY.** All motions, including motions for summary judgment, may be considered upon the Motion papers alone twenty (20) days after the filing of same and without oral argument. Oral argument may be permitted upon application and proper showing.
7. **ADVANCED RULE DAY.** Attorneys filing Motions which require ruling prior to said fourteenth (14th) day shall bring such Motions to the attention of the Court immediately upon filing same, and shall certify upon the Motion and copies thereof, service upon all adverse parties, and shall specify the advanced rule day requested of the Court.

8. **MOTIONS FOR APPROVAL OF PAYMENT OF ASSIGNED COUNSEL FEES.** Fees shall be submitted in triplicate together with a copy of the Defendant's Affidavit of Indigency.

E. APPEALS TO THE COURT OF COMMON PLEAS

PROCEDURE. Except as may be otherwise provided by specific rule or statute, all cases filed by way of appeal from administrative agencies, shall be heard solely upon briefs and be governed by the same procedure, to wit:

- (a) **TRANSCRIPT.** Along with those documents required by R.C. 2506, the administrative agency shall file findings of fact and conclusions of law in support of their decision.
- (b) **BRIEFS.** Counsel for Appellant, within thirty (30) days after filing Notice of Appeal, or filing of the transcript of the record proceedings if required, whichever is later, shall file with the Clerk of Courts a Brief containing a statement of the facts and questions presented, conclusions upon said questions, and authorities supporting these conclusions. Where assignments of error are required by statute, filing of same does not satisfy the requirements for said Brief, but Appellant's Brief may incorporate the assignments of error, if specifically set forth within the caption and body of the brief. Copies shall be served on all other counsel and a Proof of Service appended to the Brief.
- (c) **TIME.** Within fifteen (15) days thereafter counsel for Appellee shall file a like Brief and any Brief in reply shall be filed by the Appellant within five (5) days thereafter. Copies of all subsequent briefs shall be served on other counsel and a Proof of Service to same appended.
- (d) **EXTENSIONS.** Extensions of time in which to file Briefs may be had by agreement of counsel in writing and with the consent of the Court, or upon Motion and for good cause shown.
- (e) **ORAL ARGUMENT.** Upon said Briefs, oral argument will be permitted only upon application and under separate heading entitled "Request for Oral Hearing" at the Court's discretion or where required by statute.
- (f) **SUPERSEDEAS BOND.** Where a supersedes bond is required under the provisions of Chapter 2505, if all counsel are able to agree on the amount of the bond, then the appellant may submit same to the Court together with an agreed journal entry accepting same. In such event, the bond will be accepted by the Court when the journal entry is signed by the Court and filed. If all counsel are unable to agree on a satisfactory amount for the supersedes bond, then appellant shall file a request for a hearing for the determination of the amount of the bond. In such a request, the appellant shall specify what efforts have been made to determine the amount of the bond outside of Court. Once the amount of the bond has been so set, acceptance of same shall occur when the bond is submitted to the Court together with a prepared journal entry accepting same, and such journal entry is signed by the Court and filed.

- F. **TRIAL BRIEFS.** Where a trial brief is required by pretrial order of a Court, counsel for each party shall deliver a copy to the Court, in accordance with each court's rules. The briefs shall relate to the issue or issues referred to in the pretrial order and contain authorities supporting the propositions which counsel intends asserting during trial.

G. TEMPORARY RESTRAINING ORDERS AND EX PARTE PROCEEDINGS.

- A.** Motions, other than those for Temporary Restraining Orders, may be granted without regard to the time generally allowed adverse parties to respond only if the Motion is of a mere ministerial nature, the granting of which will not prejudice other parties within the case, and which may generally be granted by “leave slip” without the necessity of a Motion; or, if the motion is one for a Temporary Restraining Order, if the specifics of Civ. R. 65 are satisfied.
- B.** Nothing herein shall preclude the requirement that movant serve a copy of such Motion upon all adverse parties or notify other parties of leave received. Where leave results in the filing of a pleading or Motion to which an adverse party must respond in order to protect his or her interests, the party filing same is required to serve a copy of such pleading or Motion, once filed after leave is granted, and apart from any exhibit of same previously served along with request for leave, upon all adverse parties. Nothing in this rule shall be construed so as to abridge the requirements of Civ. R. 65.

V. DISCOVERY

A. EXCHANGE OF INFORMATION

1. Before the Pretrial, except for good cause shown, a plaintiff, counter-claimant, cross-claimant, or a third party claimant shall have delivered to all other parties on or before the date of the pretrial:
 - (a) All items of special damages which the party intends to prove, including medical bills, property damage bills (or evidence if there is no bill) and loss of earnings or income. As to loss of earnings or income, the information supplied shall include the name of employers, dates of absences and rates of pay and shall further include written verification by the employer of such facts. In the case of a self—employed person, sufficient documentation shall be supplied to support the claim of loss of earnings or impairment of working capacity. The pretrial judge may order such copies of the claimant’s income tax returns as the judge deems appropriate to be furnished other parties as a part of a pretrial order;
 - (b) Medical reports, including the substance of any unwritten reports, of any doctor rendering medical services to the claimant in connection with the alleged injuries, shall be submitted in writing; and
 - (c) The written reports and the substance of the unwritten reports of any expert other than medical whose opinion is expected to be offered in evidence at the time of trial, whether such reports are formal or informal, written or verbal.
2. Before the Pretrial, except for good cause shown, a defendant shall serve upon all other parties:
 - (a) Estimates or reports of property damages sustained by the claimant;
 - (b) Medical reports, or the substance thereof, in writing, if formal or verbal, of any doctor who examined the claimant on behalf of any defendant, and of any other doctor who examined the defendant or was consulted by the first doctor in connection with the injuries alleged; and

- (c) The reports of any expert, or the substance of his or her opinion if not written, whose opinion is expected to be offered in evidence at the time of trial, whether such reports are formal or informal, written or verbal.
 - 3. **Any expert witness whose report is not so provided may be excluded from testifying at trial, and any documentary or physical evidence which has not been exchanged in accordance with this rule may likewise be excluded from evidence at trial, in accordance with the Court's discretion. Evidence or other testimony which is discovered on the eve of trial shall not be admissible unless the moving party can justify the failure to discover the information during the time designated for discovery.**
 - 4. All reports mentioned in this section shall include a full statement of all such findings and conclusions as the expert or doctor made and transmitted to the party who employed the expert or doctor. If any report is wholly or partly verbal, it shall be reduced to writing by counsel to whom it was transmitted and served upon all other parties as provided.
 - 5. In the event of incomplete or incorrect disclosure, the Court may make appropriate orders to obtain such disclosure and to see that the ends of justice are served before and during trial.
- B. INTERROGATORIES.** Requests for and answers to interrogatories shall be in conformance with Ohio Rules of Civil Procedure and shall not be filed with the Court except as necessary exhibits and attachments to appropriate motions, and in accordance with Local Rule III(D)(2.1). Interrogatories or answers thereto which are filed in violation of this rule shall be stricken sua sponte.
- C. RELEASE AND REPRODUCTION OF MEDICAL RECORDS.**
- 1. Upon motion of any party showing good cause therefor and upon notice to all other parties, and prior to the pretrial, the judge may order any hospital in the state, by any agent thereof competent to act in its behalf, to reproduce by photostating or other recognized method of facsimile reproduction, all or any portion of designated hospital records or x—rays, which constitute or contain evidence pertinent to an action pending in this Court. Such order shall direct the hospital to describe by cover letter the portion or portions of the record reproduced and any omissions therefrom and to specify the usual and reasonable charges therefor, and such order shall designate the person or persons to whom such reproductions shall be delivered or made available.
 - 2. Objections to the admissibility of such reproduced hospital records on the grounds of materiality or competency shall be deemed reserved for ruling at the time of trial without specific reservation in the order to reproduce. Reproductions made pursuant to this procedure may be admitted in evidence without further identification or authentication but subject to rulings on objections impliedly or specifically reserved unless the order otherwise expressly provides.
 - 3. Charges for reproductions of its records shall be paid directly to the hospital concerned by the movant or the movants.
 - 4. Where original records are produced in Court and reproductions subsequently substituted by agreement of the parties or by order of the Court, the movant or movants shall be responsible for the cost thereof. Unless otherwise ordered by the Court, all original records shall be returned by the moving party to the hospital upon entry of judgment in this Court.

- D. MOTIONS TO COMPEL.** Counsel shall participate in both formal and informal discovery conferences and correspondence to reduce, in every way possible, the filing of unnecessary discovery motions. To curtail undue delay in the administration of justice, no discovery procedure filed under Rule 26 through 37 of the Rules of Civil Procedure to which objection or opposition is made by the responding party, shall be taken under consideration by the Court, unless the party seeking discovery shall have first attempted personal consultation and correspondence to resolve differences and so states in the Motion to the Court and states that the parties are unable to reach an accord. It shall be the responsibility of counsel for the party seeking discovery to initiate such personal consultation.
- E. DEPOSITIONS**
1. **SUBMISSION AND USE OF VIDEO TAPE.**
 - (a) Where video tape depositions or written depositions are to be used at trial, objections to any testimony must be brought to the attention of the Court by motion, within such time as each court's trial order shall specify, listing the specific objections upon which ruling is required, as well as transcribing those portions pertinent to the objections.
 - (b) No objections to depositions will be entertained at trial.
 2. **CUSTODY OF VIDEOTAPES FILED IN A CASE.** See Section II(A)(4).

VI. JUDGMENT

- A. DEFAULT JUDGMENT.** Motions for default judgment shall be in writing and shall be accompanied by the proposed Journal Entry and any other necessary documentation, as well as Proof of Service on all parties who have appeared. Where the cause of action is maintained by a non-resident plaintiff, the plaintiff shall present a deposition transcript or affidavit supporting his cause of action.
1. If the Court sets the matter for hearing, then at the hearing on a motion for default judgment, moving counsel shall be prepared to offer testimonial and documentary evidence in support of the claim, and if the claim is for damages, counsel shall present evidence in support of damages. The Court may continue the hearing until satisfied as to the evidence and ready to pronounce judgment.
- B. COGNOVIT ACTIONS.** In all actions on cognovit notes, the appearance of counsel for defendant shall be required in addition to that of counsel for plaintiff.
- C. JOURNAL ENTRIES AND FINDINGS.**
1. The prevailing party shall forthwith provide the Court with a judgment entry.
 2. When a request for findings of fact and conclusions of law is made, the Court may direct the party making the written request to prepare, within five (5) days of such request or longer time as the Court may order, proposed findings of fact and conclusions of law and submit them to opposing counsel. Within ten (10) days after service upon opposing counsel or parties, the proposed findings shall be submitted to the Court with objections and counter—proposals, if any, in writing; however, only those findings of fact and conclusions of law made by the Court shall form part of the record.
 3. Upon motion of a party, made within ten (10) days after the filing of such findings and conclusions, the Court may amend the findings and/or conclusions, make additional findings and conclusions and may amend the judgment accordingly. Such motion may be made with a motion for a new trial.

4. Every proposed journal entry which is submitted to the Court and which would, if adopted, vacate a prior judgment, and/or release and/or satisfy any lien, shall identify the Judgment Lien Docket and page number or numbers of any such liens which are to be released and/or satisfied, and, in the case of the vacation of a prior judgment, shall identify the date on which the judgment to be vacated was filed.

VII. SPECIAL FORMS OF ACTION

A. ACTIONS IN REM.

1. In actions to quiet title, partition and for the marshalling and foreclosure of liens on real property, the attorney for the plaintiff shall procure and file with Clerk of the Court, within thirty (30) days after the filing of the complaint, evidence of the state of the record title to the premises in question including the names of the owners of the property to be sold and a reference to the volume and page of the recording of the next preceding recorded instrument by or through which the owners claim title as the same shall have been prepared and extended by a responsible title or abstract company to a date not over thirty (30) days prior to the filing of the complaint. The Court may, upon motion and notice to all interested parties and for good cause shown, permit such evidence of title to be prepared by any qualified person of recognized good standing. A true copy certified by the attorney or a photostat copy of the original evidence of title may be filed with the Clerk in lieu of such original. Upon failure of the attorney for the plaintiff to comply with the foregoing requirement within sixty (60) days after filing of the complaint, any cross—complainant or other interested party upon notice to plaintiffs attorney may procure leave to furnish and file such evidence of the state of title within the ensuing thirty (30) days. Such evidence of title or copy thereof shall become and remain a part of the files in the case. Where the evidence of title indicates that necessary parties have not been made defendants, the attorney for the party filing the same shall proceed without delay to cause such new parties to be added and served.
2. At the time of entry of judgment in any such case a final certificate of extension of the evidence of title shall be prepared and filed in accordance with the foregoing requirements showing the address or location of the property and the record state of title as of a date not more than thirty (30) days prior to the taking of the decree. Such extension shall also become and remain a part of the files in the case.
3. The expense of the title work required under this rule may be taxed as part of the costs against the losing party unless otherwise ordered by the Court.

B. SHERIFF'S SALES

1. On all sales of goods and chattels, the purchase price shall be paid in cash or equivalent unless otherwise ordered by the Court.
2. **On all sales of real estate, except where the purchaser is the holder of the first lien after the lien of costs, taxes, and assessments, where the sale price is One Thousand Dollars (\$1000.00), or less, the Sheriff shall require payment from the purchaser of the amount of the purchaser's bid as soon as the bid is accepted. Where the amount of the bid is more than One Thousand Dollars (\$1000.00), the Sheriff shall require a deposit of One Thousand Dollars (\$1000.00) or ten percent (10%) of the bid, whichever is greater. The deposit shall be made as soon as the**

bid is accepted and be by cash, certified personal check, bank check, money order or letter of credit supported by a personal check.

3. Within thirty (30) days after the date of the sale, the purchaser shall pay the balance of the purchase price, if any, to the Sheriff and, after confirmation of such sale by the Court, and shall receive the deed. In the event the purchaser is the holder of the first lien, except the lien of taxes and assessments, the purchaser shall pay, within thirty (30) days from the date of the sale, a sufficient amount to cover the Court costs and said taxes and assessments and shall deliver to the Sheriff a receipt for the balance of the purchase price, not to exceed the amount of their lien, and if their bid exceeds the amount due them, plus the amount of said costs, taxes and assessments, the purchaser shall also pay to the Sheriff the amount of such excess.
4. In the event the purchaser does not pay the entire amount due on the purchase price of the premises to the Sheriff within said thirty (30) days after the date of sale, the purchaser shall be in contempt of this Court and the Sheriff shall forthwith cause a citation to issue commanding such defaulting purchaser to appear before the judge of this Court and show cause why such purchaser should not be held in contempt and an appropriate order issued.
5. The Sheriff shall keep a copy of this rule conspicuously posted at the place where the Sheriff conducts sales and shall call attention thereto before receiving bids. In each advertisement of sale unless otherwise ordered by the court, the Sheriff shall state the terms of sale to be in substance as follows:
“Terms of Sale—cash if purchase price is One Thousand Dollars (\$1000.00) or less. If more than One Thousand Dollars (\$1000.00) purchase price is to be paid in accordance with the Rule of Court of Common Pleas, Lake County, Ohio, Governing Sheriffs Sales.”
6. The following procedures will be used regarding the confirmation of sale in foreclosure actions;
 - (a) The purchaser shall file a motion to confirm sale, as described in paragraph (C), below.
 - (b) Notice shall be given in accord with Civil Rule 5 to the debtor, creditors, purchaser or other interested parties unless the decree is approved by all parties.
 - (c) The Court may file a Journal Entry of Confirmation, following its review of the file, which Journal Entry shall identify specifically by volume and page or other appropriate reference any lien, encumbrance, or cloud on title being cancelled, affected, or removed by virtue of the sale, with appropriate order as to each.

C. CONFIRMATION OF SALE. Motions for Confirmation of Sale shall be handled as follows:

1. The purchaser shall file with the Court, together with a prepared journal entry, a motion to confirm the sale.
2. A copy of the motion, together with a copy of the proposed confirmation order, shall be served in accordance with the provisions of Civ. R. 5 on all interested parties, unless the entry is approved by all parties.
3. The entry of confirmation shall release all liens and mortgages by enumerating the name(s) of the mortgagor(s)/mortgagee(s) and debtor(s)/creditor(s) accompanied by the volume and page of the lien, encumbrance or cloud on title being cancelled, affected or removed by virtue of the sale, with appropriate orders as to each.

4. No confirmation of sale shall be heard earlier than the fifteenth day after the filing of the motion.
- D. COGNOVIT ACTIONS:** see Section VII(B).
- E. RECEIVERSHIP**
1. As soon as practicable after appointment, a receiver shall file an inventory of all property and assets in such receiver's possession unless otherwise ordered by the Court.
 2. A receiver shall file reports of receipts and of all monies disbursed (with receipts for same and only after prior Court approval) and of his or her acts and transactions as receiver within three (3) months after the date of the appointment and at regular intervals every three (3) months thereafter until discharged or at such other times as the Court may direct.
 3. Applications for allowance of compensation to receivers or attorneys for receivers shall be made only upon prior notice to creditors, the debtor and other persons in interest as the Court may direct. Such applications shall be heard at the convenience of the Court.
 4. A detailed final accounting shall be filed and a copy sent to all creditors, the debtor and other persons in interest as the Court may direct. Objections to the final accounting shall be heard at the time set for Court approval of the final accounting; however, such objections shall be in writing accompanied by a short brief and filed with the Clerk of the Court prior to the hearing on the final accounting.
- F. FIDUCIARIES.** In any matter pending in this Court in which a Trustee, Receiver, or other Fiduciary has been appointed by this Court, and such Fiduciary desires to secure from the Court an allowance of compensation for their services and/or for attorney's fees for services rendered, such Fiduciary shall file in this Court a written application for such allowance containing notice of the time and place for hearing, which shall not be less than five (5) days from the filing of such application. The foregoing requirement for hearing and notice may be waived by the Court.
- H. NOTARIES PUBLIC.** Every person desiring to secure from a Judge of the Court of Common Pleas a certificate as to his or her qualifications and ability to discharge the duties of the office of Notary Public shall take an examination to be conducted by a committee of six (6) members of the Bar appointed by the Presiding Judge, unless otherwise examined by a Judge of the Court of Common Pleas in their discretion. The members of such committee shall be appointed to serve a period of one (1) year or until a successor is appointed. Said examination may be oral or written as said committee shall determine, and be conducted on the first Saturday of each month and such other time a the committee may determine. One or more of the committee may act on behalf of the committee, as it shall determine and subject to Court approval. Within ten (10) days after the examination, the committee shall report in writing, to the Court as to whether or not the applicant possesses the qualifications to discharge the duties of the office of Notary Public. Said committee may make a reasonable charge to defray costs and expenses of giving examination, subject to approval of the Court.